

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE
Meeting Minutes
November 15, 2005
Ventura, California**

MEMBERS

Dennis Peitso
Gene Etheridge
Edith Clark
Doug Hayden
Greta Dunlap
Howell Tumlin
Mary Lou Weiss
Earl McPhail
Russell Hall

ALTERNATES MEMBERS

Phil McGrath, Voting
Fred Ellrott
Jack Baca, Voting
Nancy Pleibel, Voting
Pompea Smith, Voting
Mary Hillebrecht
John Silveira
Amelia Saltsman, Voting

INTERESTED PARTIES

Claudia Baca
Jan M. Taylor
Jane Allen
Lynn Bagley
Terry Givens, Chico CFM
Linda Graham
Laura Avery
Nathalie Deschares
Kerry DuFrain, Ventura Co.
Dale Whitney, Long Beach CFM
Steve Schwartz, CA FarmLink

CDFA

Rick Jensen
Janice Price
Susan Shelton

ITEM 1: ROLL CALL

Gene Etheridge called the Certified Farmers' Market Advisory Committee (CFMAC) meeting to order at 2:02 p.m. Janice Price called the roll and a quorum was established.

A. INTRODUCTION OF GUESTS

Introductions were made.

ITEM 2: APPROVAL OF SEPTEMBER 12, 2005 MEETING MINUTES

MOTION: Mary Lou Weiss moved to approve the minutes as submitted. Greta Dunlap seconded. The motion passed unanimously.

ITEM 3: APPROVAL OF AGENDA

MOTION: Earl McPhail moved to approve the agenda as submitted. Pompea Smith seconded. The motion passed unanimously.

ITEM 4: CFMAC PUBLIC ADDRESS

Gene Etheridge welcomed the guests to the committee meeting. He invited all to listen and participate.

ITEM 5: PUBLIC OPEN FORUM

Jack Baca suggested that next year the CFMAC meeting be offered during the Small Farm Conference as a workshop instead of being held after the conference was over. Jane Allen stated that she would bring that up to the Small Farm Conference Board during their follow-up conference call.

Steve Schwartz from California FarmLink stated that his organization is interested in the CFMAC. FarmLink assists in the facilitation of farms from one generation to the next. FarmLink is especially interested in the seniority lists for CFMs and the barrier this can cause for farms that are in transition from one owner to another. For more information on FarmLink go to <http://www.californiafarmlink.org/>

ITEM 6: CDFA REPORTS – JANICE PRICE

A. CFM REMITTANCE FEE AND DELINQUENT MARKET REPORTS

The CFM Remittance Fee Reports as of November 1, 2005 was handed out to the committee members. As of the report date, fees paid in 2005 totaled \$115,091.39.

The Delinquent Reports for the fourth quarter of 2004 and the first, second and third quarters of 2005 were given to the committee members. The committee questioned the large number of delinquent markets for third quarter of 2005. Janice explained that some of these might be markets that are closed. If this is the case, once the market informs CDFA they were closed during that timeframe they will be removed from the delinquency list. She also stated that some payments may have come in on time but were not yet captured in the report as the report was completed very close to the end of the third quarter delinquent date.

B. CFMAC MEMBERS EXPIRING TERMS/VACANCIES

CFMAC members were given a copy of a letter that listed those committee members and alternates whose terms expire as of January 22, 2006. They also

received a copy of the press release stating the upcoming eight member vacancies and nine alternate member vacancies.

Harry Brown-Hiegel, Phil McGrath and Fred Kosmo will be finishing their fourth consecutive terms. Because of this, they will be terming out and will not be eligible for reappointment.

C. CFMAC REAPPOINTMENT QUESTIONNAIRE, PROSPECTIVE MEMBER APPLICATION AND INDUSTRY LETTER OF RECOMMENDATION

Janice reminded those committee members and alternates whose terms are expiring that they need to return their reappointment questionnaire to CDFA. If they are interested in reappointment they also need to include the Prospective Member Application and an industry letter of recommendation.

D. OTHER REPORTS

Janice Price reviewed the CDFA Task Report for July through September of 2005. During this time she conducted one investigation, visited four markets, and researched two filed complaints that resulted in no enforcement action. She also held workshops for Contra Costa County and Los Angeles County staff and market managers.

Janice reported that Nate Dechoretz has been named as Director for the Inspection Services Division. His background is in finance and budgets.

Janice handed out a copy of the minutes from the August 25, 2005 meeting of CDFA's Direct Marketing Task Force that was formed to explore innovative direct marketing ideas. Gene Etheridge stated that of the approximately 60,000 small farmers in California, only 3,000 are involved in CFMs. Gene and John Silvera reiterated the following five points of direction that came from this Task Force meeting:

- Sustaining agriculture is tantamount to sustaining civilization
- Reframe thinking from regulatory-driven to visionary-driven
- Support local/regional focus that is regionally driven
- Reduce regulatory interference/impact
- Collaborate with other government, public-private entities

The North American Farmers' Direct Marketing Association's (NAFDMA) annual conference will be held in Austin, TX this year. It will be held January 9 - 16, 2006. For more information visit their website at www.nafdma.com.

Janice reported on the presentation she gave at the October 31, 2005 County Agricultural Commissioners and Sealers Association (CACASA) meeting. For CACASA's consideration she reported on CFMAC's recommendations to adopt the following proposed regulation sections:

- 1392.9(c) and (d) to disallow the sale of certifiable and non-certifiable agricultural products outside the designated area of CFM
- 1392.2 (u) – (z) to define processed products, flavorings used in processed products, food coloring used in processed products, and coatings used in processed products
- 1392.4. Conditions of Direct Marketing for selling processed products at CFMs
- 1392.9. Direct Marketing, define compliance requirements for the operator of a Certified Farmers' Market.

CACASA will be reporting their comments to CDFA by February 1, 2006. Janice will bring those comments to the committee.

At the CACASA conference she also reported on CDFA Legal Office's opinion that the administrative matrix needs to be put into regulation as it would currently be considered an underground regulation. This may be something that the enforcement subcommittee may wish to work on. Janice also requested the commissioners' assistance in Phase I of the CDFA on-line certification process.

ITEM 7: AGRICULTURAL COMMISSIONER'S REPORT

Janice Price and Earl McPhail reported on the CACASA/CFMAC Coordinating Group's proposed changes to the CFM enforcement program. A handout was given to the committee that outlined the following changes in detail:

- Change from a field inspection program to an audit inspection program
- Fund the county field enforcement program through stall fees (\$1 for small producers and \$3 for large producers)
- Require more information on CPCs
- Changes to load lists
- Change nursery stock from a certified to a non-certifiable agricultural product

- Allow processed agricultural products at CFMs only if funded and if enforcement procedures were incorporated.

These changes would require a legislative change/adoption and would require new regulations. If the state funding is not increased by fiscal year 2006/07, then services will start to diminish since the current program is not paying for itself. This legislation must find a sponsor and an author by mid-January.

ITEM 8: CHAIRMAN'S REPORT – GENE ETHERIDGE

Gene Etheridge thanked the committee for being available at the Small Farm Conference. He encouraged all members to have more contact with those that they represent.

ITEM 9: COMMITTEE REPORTS/BUSINESS

A. LONG RANGE PLANNING SUBCOMMITTEE – GRETA DUNLAP, CHAIR

Greta Dunlap reported that the subcommittee met via teleconference on November 1, 2005. A handout of the meeting's minutes was given to each committee member. The subcommittee will meet next on December 7, 2005.

1. Status Report From Surveys to Address Letter to Secretary A.G. Kawamura

It was a general consensus from all surveys and comments that a stronger enforcement program is necessary. This would require additional funding and standardization of certificates and load sheets.

Greta will be drafting a letter to Secretary Kawamura to present at the next meeting.

2. Additional Appointments to Subcommittee

MOTION: Greta Dunlap moved to add Jane Allen and Karol Jo Kappel to the Long Range Planning Subcommittee. Phil McPhail seconded. The motion passed unanimously.

B. FINANCE SUBCOMMITTEE – SCOTT BEYLIK, CHAIR

No report at this time.

C. MARKET STANDARDS/MANAGER CERTIFICATION SUBCOMMITTEE –
HOWELL TUMLIN, CHAIR

Howell Tumlin reported that the subcommittee met via teleconference on October 6 and October 27, 2005. Handouts of the meetings' minutes were given to each committee member. The subcommittee scheduled its next meeting for December 15, 2005.

1. Proposed Due Process Regulation Addendum, Section 1392.11, Appeals

The following was presented for Committee approval:

Section 1392.11 Appeals

Any person may appeal to the director for a hearing if aggrieved by any one of the following actions or decisions:

(e) Denial of due process in the manner required by these regulations.

MOTION: On behalf of the Subcommittee, Howell Tumlin moved to have the CFMAC recommend Section 1392.11(e) for adoption. Earl McPhail seconded. The motion passed unanimously.

2. Proposed Regulation to Require a Map Be Submitted with Market Certificate, Section 1392.6

The following was presented for Committee approval:

Section 1392.6 Certification Requirements of a Certified Farmers' Market

(b) Application shall be made by the proposed market operator(s) of a certified farmers' market and shall include 1) a map that clearly locates and identifies the boundaries of the certified, non-certified and/or non-agricultural product areas of the market, and 2) a signed agreement by the operator(s) to comply with the terms of this article.

MOTION: On behalf of the Subcommittee, Howell Tumlin moved to have the CFMAC recommend the changes specified in Section 1392.6(b) for adoption. Edith Clark seconded. The motion passed with one against.

D. ENFORCEMENT/MATRIX SUBCOMMITTEE – SCOTT HUDSON, CHAIR

No report at this time.

E. NON-CERTIFIABLE AGRICULTURAL PRODUCTS SUBCOMMITTEE – JIM RUSSELL, CHAIR

No report at this time.

F. POLICY AND PROCEDURES SUBCOMMITTEE – HOWELL TUMLIN, CHAIR

Howell Tumlin reported that the subcommittee met via teleconference on June 20, August 1, August 22, and October 3, 2005. Handouts of the meetings' minutes were given to each committee member. The subcommittee will meet next on December 5, 2005.

1. Proposal to Amend CFMAC Procedures, Section 1.6, Election of Officers

The following was presented for Committee approval:

1.6 Election of Officers. Committee officers shall be elected for a term of one year commencing with the first meeting of the Committee of each calendar year. Committee officers shall be elected from among the currently serving Committee members. Alternate Members are not eligible to serve as Committee officers. Any Committee member may hold more than one office, except that the Chairperson shall hold only that office.

MOTION: On behalf of the Subcommittee, Howell Tumlin moved to make the submitted changes to Election of Officers in the CFMAC Procedures. Dennis Pietso seconded. The motion passed unanimously.

2. Proposal to Amend CFMAC Procedures, Section 1.7, Subcommittees

The following was presented for Committee approval:

1.7 Subcommittees. Subcommittees shall be created at the discretion of the Committee at the beginning of each Committee year or whenever necessary for issues that require further study. The chairperson and membership of these subcommittees shall be determined by the Committee at the first meeting after newly appointed Committee members are seated. Chairpersons of the subcommittees may be members or alternates. The Committee may decide to add or remove subcommittee members at any time and as it deems necessary.

MOTION: On behalf of the Subcommittee, Howell Tumlin moved to make the submitted changes to Subcommittees in the CFMAC Procedures. Doug Hayden seconded. The motion passed unanimously.

3. Proposal to Amend CFMAC Procedures, Section 1.7.2, Subcommittee Membership

The following was presented for Committee approval:

1.7.2 Subcommittee Membership. Subcommittees may be comprised of Committee Members, Alternates and Interested Public Citizens. Effective January 1, 2006, voting members of Subcommittees shall be Committee Members and Alternates.

MOTION: On behalf of the Subcommittee, Howell Tumlin moved to add Section 1.7.2 Subcommittee Membership to the CFMAC Procedures as submitted. Edith Clark seconded. A roll call vote was taken. The motion passed with nine in favor and three against.

The committee discussed the need to change Section 1.7.1, Subcommittee Quorum, since the definition of voting subcommittee members was changed. This will be added to the next CFMAC agenda.

4. Proposal to Amend CFMAC Procedures, Sections 1.2, 1.5, 2.4, 2.5, and 3.2 to Eliminate Reference to the CFMAC Secretary Position

As the CFMAC no longer has a Secretary position, it was proposed that all references to the CFMAC Secretary Position be deleted from the CFMAC Procedures. This deletes Section 1.5 Secretary, and changes sections 1.2, 2.4, 2.5, and 3.2

MOTION: On behalf of the Subcommittee, Howell Tumlin moved to delete Section 1.5 and change Sections 1.2, 2.4, 2.5, and 3.2 as submitted to the CFMAC Procedures as submitted. Mary Lou Weiss seconded. The motion passed unanimously.

G. CACASA/CFMAC COORDINATION SUBCOMMITTEE – SCOTT HUDSON

No report at this time.

H. MARKETING/EDUCATION SUBCOMMITTEE – GRETA DUNLAP

Greta Dunlap reported that the subcommittee met via teleconference on October 19, 2005. Handouts of the meetings' minutes were given to each committee member. The subcommittee had discussed the possibility of using the specialty crop grant money that was available due to the closing of the CDFA Export Program. However, that money is no longer available.

I. CDFA SECRETARY'S REQUEST FOR 10 YEAR VISION STATEMENT –
HARRY BROWN-HIEGEL/GAIL HAYDEN

No report at this time.

ITEM 10: NEW BUSINESS – DISCUSSION ONLY

The committee discussed ways to promote the program changes and fee increase to the industry. It was stated that the growers need to be shown how they will benefit from the changes. Some said that direct marketing needs to be expanded to include selling directly to non-profits and public institutions.

ITEM 11: MEMBER ROUNDTABLE DISCUSSION – GENE ETHERIDGE

No roundtable discussion was held.

ITEM 12: NEXT MEETING

The next meeting has been scheduled for January 9, 2006 in Torrance, CA.

ITEM 13: SCHEDULE BALANCE OF 2006 MEETINGS

The next meeting in Sacramento will be held on March 13, 2006. The following meeting will be on May 8, 2006 in Torrance.

ITEM 14: ADJOURNMENT

The Committee adjourned at 5:14 p.m.

Respectfully submitted by:

Steve Patton, Supervisor
Certified Farmers' Market Program
Inspection and Compliance Branch